

F.C.A §§ 430, 550, 655, 828, 1029

GF5 12/2013

ORI No: NY040023J
Order No: 2018-003974
NYSID No: _____

At a term of the Family Court of the State of New York,
held in and for the County of Queens, at Queens County 151-20
Jamaica Avenue, Jamaica, NY 11432, on March 08, 2018

PRESENT: Lauren Norton Lerner, Court Attorney Referee

In the Matter of a FAMILY OFFENSE Proceeding

**Valerie Cincinelli (DOB: 06/02/1984),
Petitioner**

File # 179730

Docket # O-05011-18

Temporary Order of Protection

O/B/O

**Salvatore Cincinelli (DOB: 11/08/2013),
Sophia Cincinelli (DOB: 02/05/2009)**

Ex Parte

- against -

**John DiRubba (DOB: 11/28/1964),
Respondent**

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION, WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CRIMINAL CONTEMPT, AND/OR MAY SUBJECT YOU TO FAMILY COURT PROSECUTION AND INCARCERATION FOR UP TO SIX MONTHS FOR CONTEMPT OF COURT. IF YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND THEN CONTINUES IN EFFECT UNTIL A NEW DATE SET BY THE COURT.

THIS ORDER OF PROTECTION WILL REMAIN IN EFFECT EVEN IF THE PROTECTED PARTY HAS, OR CONSENTS TO HAVE, CONTACT OR COMMUNICATION WITH THE PARTY AGAINST WHOM THE ORDER IS ISSUED. THIS ORDER OF PROTECTION CAN ONLY BE MODIFIED OR TERMINATED BY THE COURT. THE PROTECTED PARTY CANNOT BE HELD TO VIOLATE THIS ORDER NOR BE ARRESTED FOR VIOLATING THIS ORDER .

A petition under Article 8 of the Family Court Act, having been filed on March 08, 2018 in this Court and good cause having been shown, and John DiRubba having been not present in Court.

NOW, THEREFORE, IT IS HEREBY ORDERED that John DiRubba (DOB:11/28/1964) observe the following conditions of behavior:

[01] Stay away from:

- [A] Salvatore Cincinelli (DOB: 11/08/2013), Sophia Cincinelli (DOB: 02/05/2009) and Valerie Cincinelli (DOB: 06/02/1984);
 - [B] the home of Salvatore Cincinelli (DOB: 11/08/2013), Sophia Cincinelli (DOB: 02/05/2009) and Valerie Cincinelli (DOB: 06/02/1984);
 - [C] the school of Salvatore Cincinelli (DOB: 11/08/2013) and Sophia Cincinelli (DOB: 02/05/2009);
 - [E] the place of employment of Valerie Cincinelli (DOB: 06/02/1984);
- [14] Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail or other electronic or any other means with Salvatore Cincinelli (DOB: 11/08/2013), Sophia Cincinelli (DOB: 02/05/2009) and Valerie Cincinelli (DOB: 06/02/1984) including no communication on social media and no third party communication;
- [02] Refrain from assault, stalking, harassment, aggravated harassment, menacing, reckless endangerment, strangulation, criminal obstruction of breathing or circulation, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, threats, identity theft, grand larceny, coercion or any criminal offense against Salvatore Cincinelli (DOB: 11/08/2013), Sophia Cincinelli (DOB: 02/05/2009) and Valerie Cincinelli (DOB: 06/02/1984);
- [12] Surrender any and all handguns, pistols, revolvers, rifles, shotguns and other firearms owned or possessed, including, but not limited to, the following: all firearms and do not obtain any further guns or other firearms. Such surrender shall take place immediately, but in no event later than forthwith at NYPD;

It is further ordered that this temporary order of protection shall remain in force until and including March 15, 2018, but if you fail to appear in court on this date, the order may be extended and continue in effect until a new date set by the Court.

Dated: March 08, 2018

ENTER



Lauren Norton Lerner, Court Attorney Referee

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE ATTORNEY FOR THE CHILD UPON THE APPELLANT, WHICHEVER IS EARLIEST.

The Family Court Act provides that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special duties authorizes, and sometimes requires such officer to arrest a person who is alleged to have violated its terms and to bring him or her before the court to face penalties authorized by law.

Federal law requires that this order is effective outside, as well as inside, New York State. It must be honored and enforced by state and tribal courts, including courts of a state, the District of Columbia, a commonwealth, territory or possession of the United States, if the person restrained by the order is an intimate partner of the protected party and has or will be afforded reasonable notice and opportunity to be heard in accordance with state law sufficient to protect due process rights (18 U.S.C §§ 2265, 2266).

It is a federal crime to:

- cross state lines to violate this order or to stalk, harass or commit domestic violence against an intimate partner or family member;
- buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition while this Order remains in effect (Note: there is a limited exception for military or law enforcement officers but only while they are on duty); and
- buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition after a conviction of a domestic violence-related crime involving the use or attempted use of physical force or a deadly weapon against an intimate partner or family member, even after this Order has expired (18 U.S.C. §§ 922(g)(8), 922(g)(9), 2261, 2261A, 2262).

Check Applicable Box(es):

- Party against whom order was issued was advised in Court of issuance and contents of Order
 Order personally served in Court upon party against whom order was issued
 Service directed by other means: Process Server/Other Peace/Municipal Officer
 [Modifications or extensions only]: Order mailed on [specify date and to whom mailed]: _____
 Warrant issued for party against whom order was issued[specify date]: _____
 ADDITIONAL SERVICE INFORMATION [specify]: _____

This is to certify that this document is a true copy of a Temporary Order Of Protection issued by the Family Court of the State of New York and contained in the official record of the Family Court within the City of New York, for the County of Queens.

Robert Ratanski, Clerk of Court

Dated: March 08, 2018